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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,300	09/11/2003	Masaya Ogura	03599.000076.	3570

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EXAMINER

SKIBINSKY, ANNA

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,300	OGURA, MASAYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anna Skibinsky	1631	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, claims 1 and 8-14, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. identifying the identification of the medical examination device, and writing down in the memory the particular additional information, etc.
2. sharing and utilizing the particular information about the medical examination device among a plurality of users based on the identification.

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group II, claim 2, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. identifying the identification of the medical examination device, and writing down in the first memory the particular additional information, etc.
2. correlating the **first** particular additional information
3. writing down **second** particular additional information while correlating the **second** particular additional information

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4. reading out one or more pieced form among the **first and second** particular additional information.
5. sharing and utilizing plural pieces of particular additional information.

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group III, claim 3, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. writing down **second** particular additional information while correlating the **second** particular additional information
2. writing down **third** particular additional information in the memory while correlating the third particular additional information
3. reading out one or more pieces from among the **first to third** particular additional information

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group IV, claim 4, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. writing down a **second** particular additional information **relating to the circulation in the memory** while correlating the second particular additional information

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2. writing down a **third** particular additional information **relating to an inspection in the memory** while correlating the third particular additional information
3. reading out one or more pieces from among the first to third particular additional information

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group V, claim 5, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. writing down **fourth** particular additional information relating to a disposal after the inspection in the memory
2. reading out one or more pieces from among the **first to fourth** particular additional information

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group VI, claim 6, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. writing down, **through an inspected person**, third particular additional information
2. reading out one or more pieces from the first to third particular additional information

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This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group VII, claim 7, drawn to an information processing method that utilized a medical examination device as a medium, with method steps:

1. utilizes a **plurality of input/output units** for remotely writing information into and reading the information from the memory through the network based on the identification of the medical examination device.
2. utilizing the particular additional information about the medical examination device among a **plurality of users based on the identification.**

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group VIII, claims 15 and 18-24, drawn to an information processing system comprising, with method steps:

1. a plurality of input units being provided at least for an inspection institution that inspects the medical examination device.
2. an **inspection institution** that inspects the medical examination device.

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie B is required.

Group IX, claim 16, drawn to an information processing system comprising:

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1. a memory, particular additional information about the medical examination device being remotely writable through the network
2. a plurality of input units being provided at least for an **examinee subject to an examination using** the medical examination device.

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

Group X, claim 17, drawn to an information processing system comprising:

1. a memory, particular additional information about the medical examination device **being remotely writable into and readable from the memory** through the network based
2. a plurality of input / **output** units for remotely writing and reading the particular additional information in **and from** the memory through the network
3. wherein a **plurality of users share and utilize**, based on the identification, the particular additional information

This Group is classified in class 702, subclass 19.

If this Group is elected, a specie election from below listed Specie is required.

The Groups I-X are distinct, each from the other for the reasons listed above in the method steps and would cause an undue search burden if the Groups were searched together.

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### **Specie Election Regarding Group I to X**

This application contains claims directed to the following patentably distinct species.

This specie election is required for any of the groups, I to X. Though the species are not set forth as dependent claims in all Groups, but only in Groups I and VIII, a specific device must be elected.

#### Species

Wherein the medical examination device is:

A1: a device for inspection with a quartz crystal microbalance reaction (e.g. claim 10)

A2: a DNA chip or DNA microarray (e.g. claims 11 and 14 or 21 and 24)

A3: a lab on a chip that forms a channel on a substrate for processes on the substrate through a chemical or physical reaction (e.g. claim 12 or 22)

A4: a protein chip (e.g. claim 13 or 23)

Claims 1, 8, 9, 15, 18, and 19 are generic to the above specie.

The species are independent or distinct because each characterizes a different type of medical device that would perform different, not necessarily related tests. Thus, a search for the species together would be an undue search burden.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.



Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Skibinsky whose telephone number is (571) 272-4373. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ardin H. Marschel 3/20/06*  
**ARDIN H. MARSCHEL**  
**SUPERVISORY PATENT EXAMINER**